

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ELI WAYNE FREELAND,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-29445

DAVID BALLARD, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Plaintiff's Motion to Withdraw #3 Requested Relief in this Civil Action (the "Motion"). (ECF No. 5.) By Standing Order entered on May 7, 2014 and filed in this case on December 9, 2014, this civil action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and recommendations for disposition ("PF&R"). (ECF No. 4.) Magistrate Judge Tinsley filed a PF&R on January 11, 2016, in which he recommends that the Court grant the Motion. (ECF No. 15 at 2.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the proposed findings or recommendations to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the January 11, 2016 PF&R were due by January 28, 2016. (*See* ECF No. 15 at 2–3.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the January 11, 2016 PF&R, (ECF No. 15), and **GRANTS** Plaintiff’s Motion, (ECF No. 5). The Court therefore **ORDERS** that the following third prayer for relief in the Complaint is **WITHDRAWN**:

Plaintiff wishes for an order [d]irected to the West Virginia Department of Corrections stateing [sic] that [Plaintiff] [b]e [t]ransferred [f]or [h]is safety and well [b]eing to the “Northern Correctional Center” [a]s soon [a]s possible [sic] do [sic] to the many threats [a]gainst [h]is life [a]nd to prevent injury [a]nd or [d]eath.

(ECF No. 2 at 23.)

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 4, 2016



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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE